

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA
Plaintiff

vs.

MARKY BAKER
Defendant

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CRIM. NO. H-24-543 (9)

MOTION FOR CONTINUANCE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, MARKY BAKER, the Defendant by and through undersigned counsel and files this his Motion to Continue Scheduling Order (Doc 144) and in support hereof would show the following:

I.

On February 11, 2025, Mr. Baker was charged in by Superseding Indictment in Count 2: Assault in Aid of Racketeering Activity in violation of Title 18 U.S.C. §§ 1959(A)(3) and 2 and in Count 3: Using, Carrying, Brandishing, Discharging, and Possessing a Firearm During and in Relation to a Crime of Violence in violation of Title 18 U.S.C. §§ 924(c)(1)(A)(iii) and 2.

II.

On March 4, 2025, the Government made available to defense a 1 TB harddrive containing the Government's discovery. Undersigned counsel is in the process of reviewing said discovery. Additional time is needed in order for defense attorney to complete his review of the discovery to determine if any motions need to be filed and also to review the Government's discovery with Defendant Baker. Therefore Defendant Baker requests a ninety (90) day

continuance¹ of Scheduling Order (Doc. 144).

For the foregoing reason, the defendant respectfully submits that the best interests of justice is served by granting this motion substantially outweigh the interests of the defendant and the community in a speedy trial, and that failure to grant the continuance would deprive defense counsel of sufficient time to investigate the facts of the case and to prepare for pretrial proceedings and for the trial itself.

III.

Undersigned counsel has consulted AUSA Byron Black, and he has no opposition to the Court granting a continuance. Each of the co-defendants' attorneys were also contacted regarding the filing of this motion and their positions are as follows:

Attorney Tate Williams for Defendant John Pfeffer (1) is *unopposed*;
Attorney Ali Fazel for Defendant Michael Dunphy (2) is *unopposed*;
Attorney Charles Flood for Defendant Darvi Hinojosa (3) is *unopposed*;
Attorney Neal Davis for Defendant John Sblendorio (4) is *opposed*;
Attorney George DeGeurin, Jr. For Defendant Bradley Rickenbacker (5) is *unopposed*;
Attorney John Wakefield, III for Defendant Vargas (6) is *unopposed*;
Attorney David Adler for Defendant Roy Gomez (7) is *unopposed*;
Attorney James Alston for Defendant Christopher Sanchez (8) is *unopposed*;
Attorney Brian Roberts for Defendant Ronnie McCabe (10) is *unopposed*;
Attorney Phillip Gommels for Defendant Brandon Hantz (11) is *unopposed*;
Attorney Christopher Downey for Defendant Sean Christison (12) is *unopposed*;
Attorney Richard Kuniatsky for Defendant Marcell Lett (13) is *opposed*; and
Attorney Mark Bennett for Defendant Jeremy Cox (14) is *unopposed*.

IV.

This Motion is not made for delay, but that justice may be done.

WHEREFORE, PREMISES CONSIDERED, the Defendant requests that the Amended

¹Undersigned would like to notify the Court that he is unavailable the month of July as he has a scheduled trip to Japan.

Scheduling Order (Doc. 144) dated February 20, 2025, be continued for ninety (90) days or a later date convenient to the Court.

Respectfully submitted,

/S/ James Stafford
JAMES STAFFORD
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Houston, Texas 77002
(713) 228-3600
info@staffordkeyserbromberg.com
Federal Admission No. 5289

Attorney for Defendant Marky Baker

CERTIFICATE OF SERVICE

I, JAMES STAFFORD, hereby certify that a copy of the foregoing Motion has been forwarded to AUSA Byron Black via the Court's electronic filing system, on this the 20th day of March, 2025.

/S/ James Stafford
JAMES STAFFORD

CERTIFICATE OF CONFERENCE

This is to certify that the undersigned counsel has consulted with AUSA Byron Black and he is unopposed to the above-requested relief.

/S/ James Stafford
JAMES STAFFORD

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ORDER

On this the _____ day of _____, 2025, came on to be considered the Defendant's
Motion for Continuance, and said Motion is hereby GRANTED ____ /DENIED ____.

SIGNED on the date set forth above.

U.S. DISTRICT JUDGE KEITH P. ELLISON